JUL 1 2 2004 J

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In reapplication of:	Curtis, Rory A.J.	<del></del>	
PADS Polication No.:	10/074,547	Group No.:	1647
Filed:	February 12, 2002	Examiner:	Kapust, Rachel B.
For:	25466, A HUMAN TRANSPORTEREFOR	ORTER FA	MILY MEMBER AND USES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

## List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

- 1. (X) Preliminary Statements
- 2. [X] Form PTO/SB/08A (substitute for Form PTO-1449)
- 3. [X] Copies of Listed Information Items Accompanying This Statement

### Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a

### CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\* I hereby certify that, on the date shown below, this correspondence is being: MAILING $\mathbf{X}$ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 37 C.F.R. SECTION 1.8(a) 37 C.F.R. SECTION 1.10\* $\boxtimes$ with sufficient postage as first class mail. as "Express Mail Post Office to Addressee" Mailing Label No.) TRANSMISSION transmitted by facsimile to the Patent and Trademark Office. Signature Sean Hunziker/Beverly Sotiropoulos Date: \_\_\_July 8, 2004

(type or print name of person certifying)

\*WARNING:Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

# Practitioner's Docket No. MPI01-019P1RNM

search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

# Section 3. Copies of Listed Information Items Accompanying This Statement

A legible copy of the relevant portions of the item listed in Form PTO/SB/08A (substitute for Form PTO-1449) accompanies this information statement.

July 8, 2004

MILLENNIUM PHARMACEUTICALS, INC.

Rv

Tracy M. Sioussat, Ph.D. Registration No. 50,609 40 Landsdowne Street Cambridge, MA 02139 Telephone - 617-374-7679

PTO/SB/08A (10-96)

Approved for use through 10/31/99. OMB 0654-0031

enwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRACEMENTALE for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

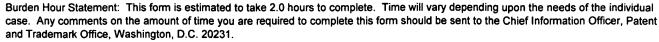
Complete if Known				
Application Number	10/074,547			
Filing Date	February 12, 2002			
First Named Inventor	Curtis, Rory A.J.			
Group Art Unit	1632			
Examiner Name	N/A			
Attorney Docket Number	MPI01-019P1RNM			

	U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	U.S. Pate Number	nt Documen Kind Code (if known)		Date of Publication of Cited Document (MM-DD-YYYY)	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	For	reign Patent Do	cument Kind Code <sup>5</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document (MM-DD-YYYY)	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	B2	WO	02/40715	A2	Incyte Genomics, Inc.	05-23-2002	Title page, pages 2-33, 38-44, 65, 81, 95, 111, 219, 220, 274, 295, 303-310, 96/306, 97/306, 262/306-264/306, International Search Report	
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Examiner	Date	
Signature	 Considered	

<sup>&</sup>lt;sup>1</sup>Unique citation design number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>8</sup>Applicant is to place a check mark here if English language Translation is attached.







<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

# titioner's Docket No. <u>MPI01-019P1RNM</u>

**PATENT** 

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

# IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed:

() Within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

### OR

[X] After three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but before the mailing date of either:

# CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

### MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10\*

with sufficient postage as first class mail. 

as "Express Mail Post Office to Addressee" Mailing Label No. )

TRANSMISSION transmitted by facsimile to the Patent and Trademark Office.

Signature

Sean Hunziker/Beverly Sotiropoulos

Date: \_\_\_July 8, 2004

(type or print name of person certifying)

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### Practitioner's Docket No. MPI01-019P1RNM

- (1) a final action under Section 1.113,
- (2) a notice of allowance under Section 1.311, or
- (3) an action that otherwise closes prosecution in the application

whichever occurs first.

- [X] Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).
- [] Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).
- () No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

### OR

- [] The information disclosure statement transmitted herewith is being filed *after* a final action under Section 1.113, or a notice of allowance under Section 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.
- [] In accordance with the requirements of 37 C.F.R. Section 1.97(d):
  - A. [] Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).
  - B. [] Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).
  - C. [] No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

# Practitioner's Docket No. MPI01-019P1RNM

# **FEE PAYMENT**

3. (X) The fee due is set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c) (\$180.00).

[	) A <sub>I</sub>	oplicant believes no fee is due in connection with	this submission	on.	<del></del>
			10	Fee due	\$180.00
		METHOD OF PAYME	NT OF FEE		
4.	()	Attached is a check in the amount of \$			
	<b>[K]</b>	Charge Account No. 501668 in the amount of	\$180.00	•	
	(X)	A duplicate of this request is attached.	•		

If any additional fees are due, please charge Account 501668.

July 8, 2004	MILLENNIUM PHARMACEUTICALS, INC.
	By Trung M Springert
	Tracy M. Sioussat, Ph.D.
	Registration No. 50,609
	40 Landsdowne Street
	Cambridge, MA 02139
	Telephone - 617-374-7679
	Facsimile - 617-551-8820



**EXHIBITS A1-A4** to Accompany Amendment and Response in U.S. Serial No. 10/074,547 to Office Action Dated March 9, 2004

Exhibit A1	S. Srivastava et al., "Biomarkers for Early Detection of Colon Cancer," Clinical Cancer Research, Vol. 7, (May 2001), pp. 1118-1126
Exhibit A2	M.A. Brewer et al., "Prevention of Ovarian Cancer: Intraepithelial Neoplasia," Clinical Cancer Research, Vol. 9 (January 2003), pp. 20-30
Exhibit A3	Y. Ohishi et al., "ATP-Binding Cassette Superfamily Transporter Gene Expression in Human Primary Ovarian Carcinoma," <i>Clinical Cancer Research</i> , Vol. 8, No. 12 (December 2002), pp. 3767-3765 (abstract only provided)
Exhibit A4	D.W. Lambert et al., "Molecular Changes in the Expression of Human Colonic Nutrient Transporters During the Transition from Normality to Malignancy," <i>British Journal of Cancer</i> , Vol. 86, No. 8 (April 2002), pp. 1262-1269 (abstract only provided)



**EXHIBIT B** to Accompany Amendment and Response in U.S. Serial No. 10/074,547 to Office Action Dated March 9, 2004

Exhibit B	Copy of Provisional Patent Application No. 60/255,281 and copy of
	return receipt postcard stamped by USPTO with serial number and
,	filing date